

Suggs, David

From: Suggs, David
Sent: Thursday, December 16, 2010 8:34 AM
To: Suggs, David
Subject: FW: Vitro

From: Dunne, Dennis <DDunne@milbank.com>
To: Lauria, Thomas E
Cc: Leblanc, Andrew <ALeblanc@milbank.com>
Sent: Tue Dec 14 13:02:00 2010
Subject: RE: Vitro

Tom --

I believe your first remark is inaccurate. I am unaware of any unreturned call. You and I traded e-mails a few weeks back regarding a potential settlement discussion and I know you have spoken further with Risa Rosenberg about the framework of a potential settlement meeting.

Anyway, I've copied Andy Leblanc on this e-mail. He will be handling the courtroom and other aspects of the case. I believe you know Andy well from the TX Rangers case this summer. I'll leave it to you guys to communicate directly re the litigation topics covered in your e-mail. With respect to venue, it is my understanding that we continue to analyze the venue predicates under section 1410. I don't know the precise timing of any filing, but suspect it will be in the near term.

Thanks.

From: Lauria, Thomas E [mailto:tlauria@miami.whitecase.com]
Sent: Tuesday, December 14, 2010 11:46 AM
To: Dunne, Dennis
Subject: Vitro

Dennis,

It must be great that you are so busy that you cannot provide me the courtesy of a return call.

That said, based on your client's press release indicating that it intends to file a chapter 15 proceeding in connection with its recently-filed concurso proceeding in Mexico, we asked your colleague, Robert Liubicic, where and when you intend to file. He told us he was "under no obligation to tell us."

Obligations aside, I would appreciate it if you would let us know as a matter of courtesy where and when you intend to file for chapter 15 relief. In that regard, if you do not plan on filing in the Northern District of Texas, please be advised that we will ask Judge Nelms to transfer venue of the chapter 15 case to his court. As I presume you are aware, all proceedings in the other court are stayed by rule until Judge Nelms decides the venue issue.

In addition, we are not consenting to any ex parte relief and demand notice and an opportunity to be heard with respect to any relief you may seek.

I look forward to hearing from you.

Thanks.

Tom

12/16/2010

Sent from my BlackBerry Wireless Handheld

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12/16/2010